

offer, and from the plaintiff's point of view, there is now that sort of brinkmanship into this language that says to the defendant when you get down to that amount that a jury might award, it is better to settle before trial because otherwise prejudgment interest attaches. In other words, I think the California rule is a legitimate attempt to promote settlements by rather evenhandedly giving to both parties advantages and detriments if they fail to respond to a legitimate offer. That is what goes on in the California rule and that is why I support it.

PRESIDENT: There are four minutes left of that time. Senator Barrett, do you wish to speak to the amendment?

SENATOR BARRETT: Thank you, Mr. President, and members, obviously, I rise in opposition to the amendment to LB 298. The bill itself deals with, of course, the limited issue of prejudgment interest and now...or postjudgment, and now we are in the area of prejudgment interest again. It is apparent that the trial attorneys' lobby has had ample time to work the bill over the recess days, apparent by the vote to overrule the Chair. I am concerned again about this issue as I have been for several years. According to the ancient, I believe it was the ancient Egyptians, the mythology of those days there was a bird called the Phoenix. Right, Senator DeCamp? A bird who would hang around for five or six centuries and then somehow light a match and burn himself up. Comes up from the ashes, rising in youthful freshness from the ashes. Right. My point exactly. Here we go again with the Phoenix. This bill is...the amendment is essentially 157 which we defeated a year ago, a variation of 157, prejudgment interest. On Final Reading the vote was 21 to 20, last day of the session. We are more proficient apparently than the earlier Pharaohs because we keep several of these mythologies all in the preinterest judgment field up in the air, Senator Landis, like a bunch of balls in the air. Here we go again. Here we go again. The wings are going. The issue, I thought, was dead last year. Obviously, terribly mistaken. The issue was very much alive, very much alive. I am told that this issue has been around the Legislature for 15 years and it keeps coming back year after year after year, now, in the form of an amendment to a very clean bill, 298, when, in fact, ladies and gentlemen, LB 1232, which is a purer prejudgment interest bill, came out of the Banking and Insurance Committee on a five to one vote last week. That